

1 HB28
2 77980-1
3 By Representative Ward
4 RFD: Government Finance and Appropriations
5 First Read: 10-JAN-06
6 PFD: 11/21/2005

SYNOPSIS: Under existing law, the State Board of Pardons and Paroles may deduct for room and board an amount not to exceed 25 percent from the adjusted gross monthly income of each person residing at a community residential facility operated by the board. There is no authorization for the deduction from the wages of the persons for the payment of restitution, court costs, fines, or other court ordered fees and assessments.

This bill would require the Board of Pardons and Parole to deduct 45 percent from the gross wage of each person residing at a community residential facility operated by the board consistent with the amounts authorized by existing law from defendants assigned to a work release or other residential program operated by a community corrections provider. This bill would also provide for the distribution of the proceeds, for supervision and upkeep, restitution, and court costs, and in hardship cases, would authorize the supervision and

1 upkeep fees to be waived, in whole or in part, by
2 the Board of Pardons and Paroles.

3 This bill would provide for an appropriation
4 for fiscal years 2006 and 2007.

5
6 A BILL
7 TO BE ENTITLED
8 AN ACT

9
10 To amend Section 15-22-30 of the Code of Alabama
11 1975, providing for a deduction from the adjusted gross income
12 of persons residing in community residential facilities for
13 room and board; to provide for the deduction from the gross
14 wage of each person residing at a community residential
15 facility operated by the State Board of Pardons and Paroles;
16 to provide for the distribution of the proceeds; and to
17 provide for an appropriation for fiscal years 2006 and 2007.
18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. Section 15-22-30 of the Code of Alabama
20 1975, is amended to read as follows:

21 "§15-22-30.

22 "(a) (1) The Unless waived in whole or in part based
23 on hardship as provided in subdivision (4), the State Board of
24 Pardons and Paroles is authorized to charge shall deduct 45
25 percent from the gross wages of each parolee resident of
26 person residing in a community residential facility a monthly
27 amount for room and board which shall not exceed 25 percent of

1 ~~the adjusted gross monthly income of the parolee; provided,~~
2 ~~that under~~ operated by the board.

3 "(2) The proceeds from the 45 percent deduction
4 shall be applied as follows:

5 "a. Twenty-five percent shall be applied to the
6 costs incident to the supervision and upkeep of the person.

7 "b. Ten percent shall be applied to payment of court
8 costs, fines, court ordered fees, and other assessments
9 ordered resulting from the conviction until all of the
10 forgoing owed by the person have been paid.

11 "c. Ten percent shall be applied to the payment of
12 any restitution until all of the restitution owed by the
13 person has been paid.

14 "d. Notwithstanding the foregoing, in the event
15 either court ordered assessments under subsection (a) (2) (b) or
16 restitution under subsection (a) (2) (c) have been fully paid,
17 10 percent shall be applied to any remaining balance of court
18 ordered assessments or restitution due, until paid in full.

19 "(3) The remainder of the wages may be deposited in
20 an account established for the person by the board and used to
21 pay for the care of dependents, savings, and spending money of
22 the person.

23 "(4) Under hardship circumstances ~~such charge,~~ all
24 or any part of the costs incident to supervision and upkeep in
25 a community residential facility may be waived ~~for a parolee~~
26 resident by the board for a person residing in a facility upon
27 the written recommendation by the director of the facility.

1 "(b) The proceeds from any charges collected under
2 the provisions of this section shall be paid into the ~~State~~
3 ~~Treasury to the credit of the General Fund~~ Probationer's
4 Upkeep Fund operated by the Board of Pardons and Paroles and
5 ~~shall be~~ used exclusively for funding the community
6 residential facilities program of the State Board of Pardons
7 and Paroles and for payment of court ordered monies to be
8 distributed by the board to the appropriate circuit clerk for
9 payment.

10 "(c) Fees collected pursuant to this act in the
11 fiscal years ending on September 30, 2006, and ending on
12 September 30, 2007, are hereby appropriated to the Board of
13 Pardons and Paroles and shall be in addition to all other
14 appropriations to the board.

15 "~~(c)~~ (d) The State Board of Pardons and Paroles ~~is~~
16 ~~hereby authorized to~~ may promulgate and effect all rules and
17 regulations necessary to implement the provisions of this
18 section."

19 Section 2. This act shall become effective on the
20 first day of the third month following its passage and
21 approval by the Governor, or its otherwise becoming law.